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Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:  
  
SHEILA BERNADETTE LEMMONS, R.C.P.  
P.O. Box 182  
Valley Center, CA 92082  
  
Respiratory Care Practitioner License No. 16201  
  
Respondent.

Case No. 1H-2007-177

OAH No.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

**PARTIES**

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care Board of California. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by David P. Chan, Deputy Attorney General.

2. SHEILA BERNADETTE LEMMONS, R.C.P. (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about May 12, 1993, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 16201 to SHEILA BERNADETTE LEMMONS (Respondent). Said License was in full force and effect at all times relevant to the charges brought in the Accusation filed in Case No. 1H-2007-177 and will expire on August 31, 2008, unless renewed.

## JURISDICTION

4. Accusation No. 1H-2007-177 was filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on March 13, 2008. Respondent does not intend to file a Notice of Defense because she is not contesting the Accusation. A true and correct copy of Accusation No. 1H-2007-177 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No.1H-2007-177. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the complete truth and accuracy of each and every  
3 charge and allegation in Accusation No.1H-2007-177, agrees that cause exists for discipline and  
4 hereby surrenders her Respiratory Care Practitioner License No. 16201 for the Board's formal  
5 acceptance.

6 9. Respondent understands that by signing this stipulation she enables the  
7 Board to issue an order accepting the surrender of her Respiratory Care Practitioner License No.  
8 16201 without further process.

9 **CONTINGENCY**

10 10. This stipulation shall be subject to approval by the Respiratory Care  
11 Board. Respondent understands and agrees that counsel for Complainant and the staff of the  
12 Respiratory Care Board of California may communicate directly with the Board regarding this  
13 stipulation and surrender, without notice to or participation by Respondent. By signing the  
14 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
16 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary  
17 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
18 action between the parties, and the Board shall not be disqualified from further action by having  
19 considered this matter.

20 11. The parties understand and agree that facsimile copies of this Stipulated  
21 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
22 and effect as the originals.

23 12. In consideration of the foregoing admissions and stipulations, the parties  
24 agree that the Board may, without further notice or formal proceeding, issue and enter the  
25 following Order:

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**ORDER**

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 16201, issued to Respondent SHEILA BERNADETTE LEMMONS is surrendered and accepted by the Respiratory Care Board.

13. The surrender of Respondent's Respiratory Care Practitioner License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Respiratory Therapist in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both her License wall and pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 1H-2007-177 shall be deemed to be true, correct and fully admitted by Respondent when the Board determines whether to grant or deny the petition. Respondent also understands and agrees that at the time for said application for relicensure or petition for reinstatement, she shall reimburse the Board its cost of investigation and enforcement in the amount of \$3,871.00.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 1H-2007-177 shall be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License No. 16201. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: April 22, 2008.

Original signed by: \_\_\_\_\_  
SHEILA BERNADETTE LEMMONS, R.C.P.  
Respondent

**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: April 28, 2008

EDMUND G. BROWN JR., Attorney General  
of the State of California

THOMAS S. LAZAR  
Supervising Deputy Attorney General

Original signed by: \_\_\_\_\_  
DAVID P. CHAN  
Deputy Attorney General  
  
Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
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In the Matter of the Accusation Against:

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Respiratory Care Practitioner License No. 16201

Respondent.

Case No. 1H-2007-177

OAH No.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 13, 2008.

It is so ORDERED June 3, 2008.

Original signed by: \_\_\_\_\_

LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA